

EXHIBIT E

Hardin, John (DAL)

From: Richard Liebowitz <RL@liebowitzlawfirm.com>
Sent: Monday, March 2, 2020 12:49 PM
To: Hardin, John (DAL)
Cc: Larson, Kirstin E. (SEA)
Subject: Re: Phone Call

Hi John,

Simply I was not aware of the visa issue. However, the Court allows one with authority to settle the case to attend, so I am not sure why there should be any issue. My client is also prepare to participate via telephone. I also wanted to discuss with you facts that I learned that might change your position on settling the case. This is the reason I wanted to set up a phone call for today. Please let me know if 3pm EST works for a phone call today? Thank you.

Best,

Richard Liebowitz, Esq.
Liebowitz Law Firm, PLLC
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On Mon, Mar 2, 2020 at 1:44 PM Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com> wrote:

Hi Richard,

Please tell me the reason you failed to disclose at the February 7th Hearing that Berg could not and would not attend the mediation when I specifically referenced the need for Bergs personal presence for M&F Western to agree to an early mediation?

There are many reasons why we believe Berg must be present. Without limiting those reasons, Bergs claims are baseless. We have provided evidence that MF Western produced and sold the allegedly infringing products before the claimed December 2016 meeting. In our view, Berg must be present to understand his claims are baseless and, regardless of whether you agree, Bergs presence was required for us to agree to this mediation.

We will be filing our motion imminently and calling Judge Kernodle's chambers asking for a telephonic hearing. We will let you know what times they provide.

On Mar 2, 2020, at 12:13 PM, Richard Liebowitz <RL@liebowitzlawfirm.com> wrote:

Hi John,

Please tell me the reason why you do not want to hold the mediation if there is someone there who is authorized to settle matter the matter on behalf of the Plaintiff?

Best,

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On Mon, Mar 2, 2020 at 1:06 PM Hardin, John (Perkins Coie) <JohnHardin@perkinscoie.com> wrote:

12:30 CT is not a good time for me. Can you tell me the purpose of the call? Is there a reason we cannot work off email (which will be much faster)?

Also, M&F Western is filing an Emergency Motion with Judge Kernodle to postpone the mediation and require Berg's personal attendance. I specifically referenced the need for him to be present at the February 7th hearing as a necessary condition for M&F Western reconsidering its opposition to an early mediation. Given your statements in the prior emails about Berg's attendance, I assume you are opposed but please confirm. In the interim, given that this is an emergency motion, I am going to file the motion and will note in the certificate of service that we have asked for you to confirm that you are opposed but went ahead and filed this motion given the relief being sought.

John

John Hardin | Perkins Coie LLP

PARTNER

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E. JohnHardin@perkinscoie.com

From: Richard Liebowitz <RL@liebowitzlawfirm.com>
Sent: Monday, March 2, 2020 11:02 AM
To: Hardin, John (DAL) <JohnHardin@perkinscoie.com>
Subject: Re: Phone Call

Hi John,

Does 1:30pm today work for a phone call?

On Sun, Mar 1, 2020 at 10:50 PM Richard Liebowitz <RL@liebowitzlawfirm.com> wrote:

Hi John,

Are you available for a phone call on Monday at 1:30pm EST? Thank you.

Best,

Richard Liebowitz, Esq.

Liebowitz Law Firm, PLLC

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